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Commonwealth of Massachusetts
Executive Office of Education

Charter School Application

1995

GOVERNMENT DOCUMENTS
COLLECTION
MAY 11 1995
University of Massachusetts
Depository Copy

Executive Office of Education
Piedad F. Robertson, Secretary
One Ashburton Place, Room 1401
Boston, Massachusetts 02108

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Overview

Massachusetts' Charter School Experiment

As the turn of the century draws near, society is looking more critically at the large standardized structures that deliver public education to our children. We live in a dynamic world which requires us, individually and collectively, to respond to new problems, challenges, and technological developments. Compared to other social institutions, the public school system has shown little flexibility in the midst of changing times. Indeed, there are pockets of innovation and creativity scattered throughout Massachusetts schools, yet these bright spots can not compensate for, nor redeem, a system plagued by institutionalized gridlock. To prepare students for the next century, our school system will have to assume the *dynamic* and *adaptive* attributes of the world in which its students live.

Recognizing the need for school reform, the Commonwealth of Massachusetts has embarked on a fresh new course of educational reform by passing legislation to introduce a growing new breed of public schools—*charter schools*—into our state's public school system. Unlike other popular reform initiatives which have come and gone with little lasting impact, charter school reform is a decentralized, "bottom-up" approach to school reform which is fueled by local creativity and grass-roots initiative. Through a *charter* granted by the Secretary of Education, a private entity or coalition of individuals is given the public authority to create and run an independent public school which is legally autonomous from the local district. These new community-based schools have real potential not only to empower local communities, but also to unleash a sorely needed dynamic of entrepreneurism into the larger school establishment.

1994...64 Charter Applicants Come Forward

Since the passage of the charter school legislation, great momentum has been building in Massachusetts around this valuable reform. In just the first year, the Secretary of Education received 64 applications from groups across the state to start a charter school in their local communities. Fifteen of these proposals have been approved for a school opening in 1995 and more, not exceeding the statewide cap of 25, should be approved this year. There was no one prototypical charter school model—each reflects the unique characteristics of its founders and the needs of the surrounding community.

Laying the Foundation

In many ways, 1994 has been a formative year in the evolution of Massachusetts' charter school initiative. Massachusetts' charter schools will not be born overnight—to thrive and grow, they must be built on a solid foundation of careful planning and community support. To prepare for a successful 1995 school opening, charter applicants have been working diligently to rally community support and to create, from the ground up, their vision of an innovative school.

The Secretary and a small team of her staff at the Executive Office of Education have been working to establish the procedural framework for this reform, as well as providing applicants with technical assistance, and attempting to iron out the plethora of policy issues surrounding this ground-breaking reform. The Pioneer Institute, a private, non-partisan research group has also played a central role in advancing charter school reform, providing personal assistance to applicants and serving as a charter school advocate and resource.

The 1995 Application Cycle

To facilitate the application process, the 1995 application has been amended slightly from last year's application form. In addition to minor wording revisions, a preliminary approval process and deadline has been added to accommodate applicants' preference for a more responsive application process. To implement this change of procedure, the Executive Office of Education has instituted a new 2-step application cycle for 1995, with a preliminary deadline of Monday, November 21, 1994 and a final deadline of February 15, 1995. To receive feedback and comment before the final deadline, the entire application should be submitted by November 21. Unlike last year's three-part application procedure, the *entire* application must be submitted by the February 15 statutory deadline to be eligible for a '95 charter. This new procedure is explained in greater detail in the charter school regulations, 601 CMR 1.04, and also in the instruction page preceding the application.

Contained in this packet is the 1995 application, along with the charter school legislation, regulations, Q&A guidelines and other information to help you proceed with your charter school plans. Good luck to all who embark on this worthy endeavor!

Defining Characteristics of a Charter School

Although charter schools will vary across the state, they do share certain core principles which set them apart from other public schools and connect them to a larger nationwide movement. Before you begin the application, take some time to carefully reflect on this model and consider how your charter school, if approved, would further the goals of this reform initiative. Charter schools in Massachusetts can be identified by the following characteristics:

Laboratories of Innovation: Charter school reform was established to promote new, innovative options in delivering public education to our children. The intent goes beyond simply creating a few new alternative school programs. Charter schools are to be *educational laboratories* where educators can investigate new dynamics and methods to be replicated by the larger school system.

Multiple Founders: Massachusetts' charter school statute allows for a wide range of charter school founders, including but not limited to: individuals, parents, teachers, businesses, museums and other community-based organizations which can demonstrate an innovative and viable plan for starting a new school.

State Sponsored: Unlike many other states, Massachusetts gives the authority to grant charters to a state agency, the Executive Office of Education, which is a policy-making office headed by the Secretary of Education, established to implement statewide education reform. Local groups wishing to apply for a charter need not get permission from a local school committee, but rather apply directly to the Executive Office of Education.

Accountability: A charter is a contract, between the state and a charter school's board of trustees, which holds the school accountable to parents, the state, and the public at large. To receive a charter, an application must be completed which details the educational goals of the school and how it will be run. If the school is selected for a charter, it must abide by the terms of its charter as well as any applicable state and federal laws. Charters are granted for a period of five years and are subject to renewal, contingent upon the school's ability to deliver quality educational results and successfully meet the goals of its charter.

Autonomy: Charter schools are a new breed of public schools which operate independently of the conventional school district structure. A charter school is a separate, legally autonomous entity with all powers necessary to carry out its school program.

School-based Management: Charter schools harken back to the concept of the one-room school house with all of the policy-making occurring on-site. Outside the authority of a school committee and district, a charter school is governed locally, by its own selected board of trustees. Charter schools are given considerable flexibility to implement an internal form of governance which is consistent with the mission and philosophy of the school.

Public Mission: Although charter schools are created by private entities and operate separately from any school district or committee, they are indisputably *public* in their function.

- ***Universal:*** As any other school in the public school system, a charter school must be accessible to all school-aged children, regardless of their race, color, national-origin, creed, gender, athletic performance, special need, proficiency in English, physical or mental disability or academic achievement.
- ***Funding:*** Charter schools may not charge tuition to their students. Funding for charter schools comes from the district in which the student resides in the form of per-pupil tuition that follows the student to the charter school.
- ***Non-Sectarian:*** As state-sponsored entities, charter schools must abide by state and federal laws which govern separation of church and state.

Schools of Choice: There is no one prototypical charter school—each school defines innovation in different terms and exhibits a unique character and mission. Breaking with the outdated, "cookie-cutter" approach so prevalent in public education, Massachusetts' charter school legislation enables people across the state to found schools which look very different from one another. Unlike most public schools which enroll students based on their place of residence, a charter school must attract its students based on the uniqueness and attractiveness of its particular educational approach and program offerings. Parents (or advocates) must decide whether or not the charter is a good match with their value system, their child's unique style of learning and his/her educational needs.

1995 Charter School Application

Who Should Apply?

This application should be completed by those interested in applying for a Massachusetts charter to commence in fall of 1995.

Instructions:

Applications should be typed and 15 copies submitted to the address below. The application should follow the format and the order outlined, with the Basic Fact Sheet enclosed at the front of the application. To facilitate convenience in the review process, please include a table of contents highlighting the page numbers of each section. In addition to the required information, applicants may include any additional information which may help the Secretary to better assess the proposed charter school.

Preliminary Deadline: **November 21, 1995**

In order to allow more time for thorough review and feedback on applications, the Executive Office of Education has established a two-step application cycle, with a preliminary application deadline on the third monday of November. Applicants interested in receiving a 1995 charter should complete the full application by November 21, 1994 to be submitted as the preliminary application. Preliminary applications are not mandatory, but are strongly encouraged to help applicants better prepare for the February 15 statutory deadline. Preliminary applications will be reviewed thoroughly by the Executive Office of Education and feedback will be given to each applicant no later than January 15. Applicants will then have one month to fine-tune their applications by the final February 15 deadline.

Final Deadline: **February 15, 1995**

Applications must be received by the Secretary of Education no later than February 15, 1995 to be considered for a 1995 charter. All applications should be sent to:

Secretary of Education
ATTN: Charter Schools
Executive Office of Education
One Ashburton Place, Room 1401
Boston, MA 02108

Review:

Applications will be screened by the Secretary of Education. The Secretary will make all final decisions regarding approval or denial of a charter by March 15, and will notify applicants in writing of the status of their applications. Among other criteria set forth in the regulations, 601 CMR 1.00, the Secretary will review applications based on the extent to which they further the Commonwealth's purposes for establishing charter schools:

- to stimulate the development of innovative programs within public education;
- to provide opportunities for innovative programs within public education;
- to provide parents and students with greater options in choosing schools within and outside their school districts;
- to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management;
- to encourage performance-based educational programs; and
- to hold teachers and school administrators accountable for students' educational outcomes.

If you need copies of the charter school regulations or applicable provisions of the Education Reform Act, please call Jose Afonso or Emily Nielsen Jones at the Executive Office of Education, (617)727-1313. In addition, if there are any procedural questions regarding the application, please do not hesitate to contact the Secretary's office for assistance.

1995 Charter School Application

Basic Fact Sheet

This basic Fact Sheet will be used by the Executive Office of Education to conduct quick analysis of the applications received. The information furnished below must be accurate, and must correspond to that which is provided in the body of the proposal. This information will serve to provide reviewers at the Executive Office of Education with a snapshot of your proposal.

____
Proposed Charter School Name

____
School Location (city/town)

Contact Person

First _______________ Middle _____________ Last _________________

Organization ______________________________ Address ____________________

City _________________, State ________ Zip ________

Telephone (____)________________ Fax (____)__________________

Founding Coalition:
(Check Box)

Parents	Teachers	Private For-Profit Business
☐	☐	☐
Community Based Organization	**Museum**	**Other Founding Group**
☐	☐	☐

Grade Level
(Check Box)

Elementary ☐
Middle ☐
Secondary ☐
Other Grade Level ☐

Projected Student Enrollment

Projected Student Enrollment (1st Year)	
Projected Student Enrollment (2nd Year)	
Projected Student Enrollment (3rd Year)	
Projected Student Enrollment (4th Year)	
Projected Student Enrollment (5th Year)	
Total Number of Teachers	
Teacher/Student Ratio	

In what type of community will the Charter School be located?

Urban School District ☐ Rural School District ☐
Suburban School District ☐ Other Kind of Community ☐

Do you presently have access to a facility suitable for a school?

Yes ☐ No ☐

School Focus:
In succinct terms, describe the focus and primary characteristics of your proposed school and/or students to be served, (i.e., math & science, arts, school-based services, at-risk youth, college preparatory, basic skills, interdisciplinary learning, and competency-based learning).

____

____

____

____

Executive Summary (one page):
To help the Executive Office of Education accurately portray your charter school proposal to the public, please attach a one page description of your school. This description should outline, in clear terms, the educational model to be employed; the replicability of that model; student demographics; and other characteristics setting this school apart from other traditional public schools. Above all, this summary should capture the vision of the founders.

Please answer the following questions, as thoroughly and clearly as possible, in the sequence in which they appear. Following each question is a brief description of the standards which will be used to review your application. These review standards are not intended to be exhaustive or prescriptive, but rather should serve as a helpful guide as you attempt to formulate your responses.

1.) Mission Statement:

- A. In succinct terms, describe the core philosophy or underlying purpose of the proposed school.
- B. As a charter school, your school will be a "laboratory of innovation" in the State's larger education reform effort. With this in mind, what impact do you hope your charter school will have on the state of public education in the Commonwealth of Massachusetts?

What reviewers will look for: *Clearly articulated vision for an innovative public school; an understanding of the charter school model and its role in the context of education reform*

……

2.) School Objectives:

- A. What are the school's broad academic objectives for student learning?
- B. Describe any non-academic goals for student performance .

What reviewers will look for: *Clear, measurable, sound goals around which to build the educational program; high academic expectations for all students*

……

3.) Statement of Need:

- A. Why is there a need for this type of school?
- B. Explain why the charter school model would be an appropriate vehicle to address this need.

What reviewers will look for: *Motivation to improve public education, either by serving a function(s) that is currently underserved by the district(s) or by increasing options available to parents to select the best, most appropriate school for their children*

……

4.) Profile of Founding Coalition:

- A Describe the make-up of the group or partnership that is working together to apply for a charter, including the names of the founders and their background and experiences.
- B. Discuss how the group came together, as well as any partnership arrangements with existing schools, educational programs, businesses, non-profits, or any other entities or groups.
- C. Include any plans for further recruitment of founders or organizers of the school.

What reviewers will look for: *A well-balanced group which brings together people with a range of professional skills; meets requirements of law: if teacher-led, at least two teachers; if parent-led, at least ten parents; local representation*

5.) School Demographics:

A. Describe the area where the school will be located.
B. Why was this location selected? Are there other locations suitable to the needs and focus of the school?
C. Describe any unique demographic characteristics of the student population to be served.
D. What are the school's enrollment projections for the first five years? What is the school's ultimate enrollment goal?
E. What grade levels will be served? How many students are expected to be in each grade or grouping?

What reviewers will look for:	*An understanding of, and sensitivity for, the students to be served and the community in which the school will be located*

……

6.) Recruiting & Marketing Plan:

A. Demonstrate how you will publicize the school to attract a diverse pool of applicants.
B. What type of outreach will be made to potential students and their families?
C. Describe efforts to recruit students without parents to advocate on their behalf.

What reviewers will look for:	*A solid plan to attract sufficient students to open a school; effort to publicize the school to a broad audience to foster a diverse student body*

……

7.) Admissions Policy:

A. Describe the admission methods and standards you will use to select students.
B. Describe the process and timetable to be used for admitting students, including a plan for the admission lottery for students both within and outside the district.
C. Explain how these policies further the mission of the school in a non-discriminatory fashion.

What reviewers will look for:	*Consistency with the mission of the school; non-discriminatory impact: fosters a diverse student body; seeks to ensure appropriateness of match between the school program and the applicant's unique educational and personal needs*

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8.) Timetable:

Provide a detailed timetable of projected steps and dates leading to the opening of a charter school

What reviewers will look for:	*A well-developed plan of action for starting a charter school; feasibility of a fall 1995 school opening*

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9.) Evidence of Support:

A. Try to convey as clearly as possible the scope of community backing for the proposed charter school.
B. In tangible terms, such as a survey or letters of support, demonstrate this community support among teachers, parents, students, community leaders and others.

What reviewers will look for:	*Evidence that the proposed school model would be an attractive educational alternative for residents of the target community; breadth of grass-roots community support which extends beyond the small circle of people founding the school*

10.) Educational Program:

A. Describe the educational program of the school, providing a *detailed* overview of curriculum objectives and content in the main subject areas.
B. What teaching methods will be used? How will this pedagogy enhance student learning?
C. Describe the school calendar and hours of operation of the school.

What reviewers will look for:	*Innovative teaching methods and curriculum approaches; substantive overview of curriculum; consistency with mission, learning objectives and student population to be served*

……

11.) Student Performance:

A. Describe your proposed plan to assess student performance.
B. What remediation will be available for underperforming students?
C. How will student development towards the school's stated learning objectives be measured? (see question #2)

What reviewers will look for:	*Commitment to high academic standards for all students which exceed any state performance standards; well-developed assessment mechanisms*

……

12.) Accountability:

A. What methods of self-assessment or evaluation will be used to ensure that the school is meeting its stated mission and objectives?
B. How will teachers and administrators be evaluated? Describe your standards for teacher and staff performance.
C. How do you plan to hold your school accountable to the public and the parents of the children in attendance at your school?
D. Discuss your plan for regular review of school budgets and financial records.
E. Describe your system for maintaining school records and disseminating information required underpublic school law, including the annual report, as set forth in M.G.L. c.71, s.89.

What reviewers will look for:	*Results-oriented system of internal evaluation; responsiveness to the public and the parents of children attending the school*

……

13.) Human Resource Information:

A. Describe the standards to be used in the hiring process, including teacher certification requirements or any other professional credentials.
B. What is the targeted staff size and teacher/student ratio?
C. What professional development opportunities will be available to teachers and other staff?
D. Describe your human resource policies governing: salaries, contracts, hiring and dismissal, benefit packages.

What reviewers will look for:	*High professional standards for teachers and other staff; commitment to professional development of staff; desirable working conditions and fair compensation packages which attract quality staff; compliance with labor laws*

14.) School Governance:

A. Describe the internal form of management to be implemented at your school, including any plans to contract with an outside group to manage the school.
B. How will the board of trustees be chosen?
C. Describe the roles and responsibilities of the board.
D. Describe the relationship of the board to teachers and administrators?
E. Discuss the nature of parental and student involvement in decision-making matters.

What reviewers will look for: *Innovation in governance model; consistency with mission; clearly defined roles of the board of trustees; teacher, student and parent input in school decision-making*

15.) School Community:

A. What type of community environment do you hope to foster at your school?
B. Describe the nature and extent of parent involvement in the life of the school.
C. Describe the relationship of your school to the surrounding community, and vice versa.

What reviewers will look for: *Expectations of parents (or gaurdians) to be active participants in their children's education; integration of the school with other entities in the community*

16.) Replicability and District Relations:

A. How will your charter school offer replicable educational models to the schools in the surrounding districts?
B. If applicable, provide any specific programs to be provided by the charter school which would directly benefit the district.
C. What efforts, if any, have you made to build rapport with the district(s) from which your charter school would draw students?

What reviewers will look for: *Effort to foster systemic change in public education*

17.) Building Options:

A. Describe your present options for a school building.
B. Demonstrate how this site (s) would be a suitable facility for the proposed school, including any plans to renovate and bring facility to compliance with all applicable school building codes.
C. Discuss any progress or future plans for acquisition of a school building.
D. Describe financing plans, if any.

What reviewers will look for: *Progress toward identifying and acquring a school facility*

18.) Code of Conduct:

A. Discuss any rules or guidelines governing student behavior.
B. Describe your school's policies regarding student expulsion and suspension.

What reviewers will look for: *Clarity of expectations of student behavior*

9.) Special Needs & Bilingual Students:

A. Describe how your school will accommodate special needs students.
B. Describe how your school will accommodate bilingual students.

What reviewers will look for: *Compliance with 71A & 71 B; ability to accomodate special needs students (other than those determined to need a private date or residential school) in the school program*

. . . .

20.) Funding:

A. Devise a start-up budget covering the planning and capital expenses before school opening.
B. Do you plan to conduct any fund-raising efforts to generate capital or to supplement the per pupil allocations? If so, explain.
C. Using the attached template, devise a 5-year budget covering all projected sources of revenue, both public and private, and planned expenditures.

What reviewers will look for: *Sound financial planning; fiscal viability of the school*

. . . .

21.) Transportation:

A. Discuss plans for transporting students within the local district to and from school. What arrangements, if any, will be made with the local school committee?
B. How will students who live outside the local district be transported?
C. If you plan to implement an extended day or extended year program which requires transportation beyond what the district provides, what arrangements will be made to transport students?

What reviewers will look for: *A workable arrangement for transporting out-of-district students*

. . . .

To be submitted prior to the granting of the charter:

22.) Liability and Insurance:

A. Describe your school's insurance coverage plans, including health, general liability, property and Director's and Officer's liability coverage.
B. To demonstrate the safety and structural soundness of the school, please submit written documentation of:
  - Inspection by a local building inspector;
  - Inspection by local Fire Department;
  - Approval under M.G.L. c. 148 from the municipal licensing authority for use of any explosives and flammable compounds or liquids in connection with courses taught at the school.
  - Compliance with all other federal and state health and safety laws and regulations.

23.) Governance Documents:

Submission of copies of the school's by-laws, contracts and all incorporation documents required by law

Charter School Operating Budget

Five Year Projection

DESCRIPTION	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
REVENUES					
Per Pupil Tuition Revenue					
Student Entitlements					
Grants (Include Only if Confirmed)					
TOTAL REVENUES					
EXPENSES					
Direct Student Costs:					
Transportation					
Supplies					
Computers and Materials					
Field Study					
Insurance Expense					
Total Direct Student Costs					
Personnel:					
Principal/Executive					
Teachers					
Clerical					
Custodians					
Benefits					
Staff Development					
Total Personnel					
Occupancy:					
Rent					
Mortgage					
Maintenance					
Utilities					
Janitorial Supplies					
Total Occupancy					
Office:					
Supplies					
Equipment Rental/Maintenance					
Telephone/Communications					
Accounting & Payroll					
Printing & Copying					
Postage & Shipping					
Total Office					
Other:					
TOTAL EXPENSES					
EXCESS (or DEFICIENCY)					
BEGINNING FUND BALANCE					
ENDING FUND BALANCE					

A. Eligibility

Q Who is eligible to apply for a charter to start a charter school?

According to M.G.L. c. 71 s. 89, any *individual, group, business, corporate entity, two or more certified teachers, or ten or more parents* are qualified to apply for a charter.

The law expressly prohibits private and parochial schools from obtaining charter school status. Existing public schools can apply for charter school status.

Q How will the Executive Office of Education distinguish between private and public schools when reviewing applications?

Because the law does not define "public school," each application will be reviewed on a case-by-case basis to determine whether the prohibition against private and parochial schools has been violated. Prohibitions may include, but are not limited to the following:

- Schools which receive some portion of their operating revenue or funding from student tuition or application fees;
- Schools which have received local school committee approval as private schools, under M.G.L. c.76 s.1, for compulsory attendance purposes;
- Schools affiliated with a religious institution or whose focus or mission is religious practice or teaching;
- Schools which fail to comply with the non-discriminatory admission requirements set forth in M.G.L. c.71 s.89 and 601 CMR 1.05; and
- Schools which fail to comply with the charter school legislation, M.G.L. c.71 s.89, and other applicable state or federal statutory or regulatory requirements.

B. Admissions

Charter schools must develop non-discriminatory admission policies which serve to select an appropriate student body for the school's capacity and designated purposes. Admissions is a highly sensitive area which, if not handled properly, could open a charter school to public criticism and legal complications.

Q What are considered to be "reasonable academic standards" for admissions?

The law contains an apparent tension when discussing the issue of admission standards. How does one interpret the law where it says *charter schools shall not discriminate on the basis of academic achievement*, yet permits charter schools to *establish reasonable academic standards as a condition of eligibility for applicants?* While there is no black-and-white answer to the dilemma posed by this language, the Executive Office of Education will have to apply this standard to admission standards that charter schools adopt.

While the law does not permit charter schools to randomly favor specific populations of students, it does allow charter schools to limit enrollment based on the degree to which they can be served by the school's *area of focus*.

Reasonable academic standards are considered to be those which adhere to the following principles:

- Whenever possible, charter schools should establish as open an admission policy as possible.
- When screening applicants, a charter school should develop a multi-faceted admission policy which combines a number of criteria for assessment, including but not limited to: testing, interviewing, and letters of recommendation.
- Admission criteria should be used to foster the goals and mission of the charter school.

Q What will charter schools be required to do if there are too many eligible applicants for available seats?

Charter schools are required to conduct an admissions lottery in the event that there is an excess of eligible student applicants for the number of available spots at the school. The board of trustees must develop a lottery procedure, which gives admission preference to two categories of students: 1.) those living in the same city or town as the charter school; and 2) those who have siblings already attending the school.

C. Funding

In order to develop a quality charter school application, potential founders must demonstrate a clear and workable financial plan. For many charter applicants, the practical issues surrounding funding are a source of concern. The following answers to commonly asked questions may help to elucidate some of the more critical details related to funding of charter schools.

Q Who funds charter schools?

As a public school, a charter school is prohibited from charging tuition or application fees. The law establishes a specific funding mechanism, related to a community's foundation budget, which allows a charter school to collect public funding for each student attending the school. If the district where the student lives (sending community) spends below its foundation budget, the tuition payment to the charter school is equal to the sending community's average per pupil cost. If the sending community spends above its foundation budget, the tuition payment is equal to the average per pupil cost in either the community in which the charter school is located or in the community where the student lives, whichever is less.

Q Will charter schools have access to any public start-up money?

Besides per pupil tuition money, Massachusetts charter school legislation does not provide for any public funds to help in the creation of charter schools prior to student attendance. Therefore, charter schools are presently left on their own to raise any additional money necessary to start and maintain a school. In response to concerns about the financial feasibility of starting a school without help from the state, the Governor is requesting charter school start-up money in his proposed budget for next year. In addition, the Secretary of Education is seeking to identify other sources of grant money to help charter schools get off the ground.

Q What happens to a student's tuition money if he/she withdraws midway through the year?

If a student decides to leave a charter school in the middle of the school year to attend a traditional public school, the receiving school district must notify the Executive Office of Education, which will determine the date and the amount of the child's per pupil tuition amount to be transferred from the charter school to the district.

Q How will per pupil money be calculated and distributed to charter schools?

The Department of Education is responsible for calculating Per Pupil Expenditure (PPE) rates for districts throughout the state. Unlike billing procedures in public school choice, charter schools will receive their per pupil tuition money directly from the sending school district. The Executive Office of Education will notify the charter school and the sending district of the amount of the per pupil money to be transferred and will establish a schedule of payments. Charter schools may make arrangements on their own with sending districts to receive tuition money at an earlier date than required.

Q What outside sources of funding are available to charter schools?

Private Donations & Grants

According to Chapter 71, Section 89, charter schools are granted necessary powers to carry out their charter program, including the powers to "acquire real property, from public or private sources, by lease, lease with an option to purchase, or by gift, for use as a school facility" and to "solicit and accept any grants or gifts for school purposes." Therefore, charter schools are free to initiate fund-raising campaigns and to accept private donations or grants to supplement their per pupil tuition money.

Categorical Program Funding

As a public school, a charter school has the right to petition for its proportionate share of state and federal categorical grant money, such as Chapter 1 and special education, that would normally be allocated to individual students attending the charter school. As its own corporate entity, autonomous from any school board or school district, a charter school must apply directly to the appropriate state or federal agency in order to acquire its portion of program money. The same timetables, policies, and evaluation processes should be applied to charter schools as to school districts applying for categorical money. The Executive Office of Education will not be involved in any aspect of the application or dissemination of state or federal categorical grants.

D. School Building

Acquiring a suitable building is one of the more practical challenges of founding a charter school. Since the process will involve much time and effort, applicants should begin searching for building space as soon as possible. In the application, charter applicants are not required to have already secured a building; rather they are asked to demonstrate a viable plan for securing a building in time to open their school on schedule.

Q At what point in the process of charter application, approval, and granting must the charter school have acquired a facility?

Charter school applicants are not expected to have narrowed their building options to one final building at the point of application. However, because obtaining a suitable site is essential to the success of a charter school, applicants are expected to have thoroughly considered their building options and are asked to describe these options in the application (Part II, question 15). Charter school regulations, 601 CMR 1.05(2), specify that awarding of charters to approved applicants is conditioned upon having acquired or constructed a site approved for use as a school which meets all applicable health and safety standards.

Q In what type of building may a charter school be located?

The law gives charter school founders great latitude in choosing a site to house their school. M.G.L. c.71, s. 89 states that a charter school may be located in *part of an existing school building, in space provided on a private work site, in a public building, or any other suitable location.* Therefore, the search for a building should not necessarily be confined to conventional school facilities—as long as the building is approved for use as a school by a local building inspector, a variety of settings can be adapted for use as a school. Charter schools may own, lease, lease with an option to buy, or rent its facility.

Q What kind of insurance coverage must a charter school carry?

For purposes of tort liability, employees of charter schools are considered public employees, and the boards of trustees are considered public employers. Consequently, under M.G.L. c.258, liability for charter schools is limited. However, other insurance issues, such as who will pay for any required insurance to cover the school's employees, particularly health insurance, the governing body, the charter school facility, and the vehicles used by the charter school may need to be resolved. A list of all insurance coverage required of the school will need to be provided in the application, and proof of insurance coverage must be submitted prior to commencement of operations. The Executive Office of Education will make available a list of government contacts who can provide technical assistance in the area of liability and insurance coverage.

E. Personnel Issues

Although the focus of the planning stage tends to be on logistical issues, such as finding a school building or raising capital; ultimately, it is the people that make-up the school which will decide its fate. Although the power to hire and fire is given to the board of trustees of a charter school, to receive a charter, applicants must demonstrate that the staff of the school will be held to the highest of standards.

Q Are charter school teachers bound by public school certification requirements?

Under M.G.L. c.71, s. 89, the board of trustees of a charter school should determine the professional standards and criteria to be utilized in the hiring of teachers and other staff. If a charter school so desires, it may choose to abide by the state's teacher requirements, but is not required to do so by law. To ensure the quality of the teaching and administrative staff at charter schools, the Secretary will be requiring implementation of a professional development plan to be incorporated in the school's regular self-assessment. In addition, charter schools are required to provide disclosure of the professional credentials of their teaching staff to interested parents and public.

Q What are the rights of charter school teachers?

According to M.G.L. c.71, s.89, charter school staff are public employees; yet their public employer is not a school district or board, but rather the board of trustees which governs the charter school. Charter school employees are subject to the same collective bargaining provisions of M.G.L. c. 150E, the law pertaining to labor relations for public employees, which includes the right to organize, negotiate and execute collective bargaining agreements with a public employer. In addition, teachers employed by a charter school are subject to the same state teacher retirement system, established

in M.G.L. c.32, as other public school teachers. Therefore, time spent teaching in a charter school shall be considered "creditable service" towards a teacher's retirement plan.

Q Can public school teachers temporarily leave their school district to teach at a charter school?

Local school districts are required to grant a leave of absence of up to two years to any teacher who is employed by a charter school. At the end of this two year period, the teacher may request an extension of up to two more years, which may not be unreasonably withheld by the school district. After four years, the teacher must return to the local district or resign to continue teaching at the charter school. In this way, mobility between charter schools and traditional public schools is encouraged.

F. Governance

Q How are charter schools governed?

Charter schools have considerable flexibility in designing a management style and structure which reflects the philosophy of the school. The law provides that charter schools will operate independently of any school committee and will be governed by a board of trustees. The board of trustees is a public agent authorized by the Commonwealth to establish, supervise and control a charter school. The board, in consultation with teachers, will be responsible for creating the curriculum and developing an annual budget. Other duties of the board include the development and implementation of a student code of conduct, a disciplinary and expulsion policy, personnel policies including the terms and conditions of employment, a management operations plan, and admission criteria for selection of students, as outlined in 601 CMR 1.05. All charters will be conditioned on the submission of the school's bylaws and incorporation documents as described in 601 CMR 1.00. Charter schools will be established as public corporations. The Executive Office of Education will disseminate information on the process of incorporation.

Q How is the charter school's board of trustees selected?

The method of selection and the composition of the board of trustees is not stipulated in the charter school law, and thus may vary from school to school. However, applicants must provide the Secretary with a detailed plan of the selection process, including the number and composition of board members. The school's board should reflect the philosophy or focus of the school, as well as the demographics of the student body. Prior to commencing operations, the school should provide the Secretary with resumes of the board members.

Q How will charter schools be held accountable?

A charter school will be held accountable to its students, parents, and the community at large through a continuous cycle of planning, evaluation, and reporting set forth in the charter school regulations and legislation. The success of charter schools will be judged largely on the basis of the ability of their students to make progress towards the goals specified in the school charter. Progress will be reviewed annually by the Secretary, and where appropriate, a remedial action plan must be approved by the Secretary and compliance with that plan monitored by the Executive Office of Education.

G. Transportation

Since some charter schools may be regional in scope or have students from several districts, issues surrounding transportation can be somewhat problematic. In the application, charter applicants must describe a plan for dealing with the challenge of transporting students across district lines to the school site.

Q How will charter school transportation be provided and funded?

Local school districts must provide and pay for transportation to students residing in and attending charter schools in the district on the same basis as students attending public schools.

Q How will out of district students be transported to charter schools?

Students attending charter schools outside their home district are eligible for transportation under M.G.L. c.76, s.12B, the school choice statute. In essence, the choice law leaves it up to each school committee to set the terms for acceptance of out of district students. There is no requirement that school committees fund transportation for out-of-district choice students, and most do not. Whatever transportation policy the district applies to out-of-district choice students must also be applied to out-of-district charter school students. However, home school districts *are* required to transport resident special needs students, who are eligible under M.G.L. c.766, to charter schools outside the district.

Q Can a charter school utilize its own system of transportation?

Nothing in the law or regulations prohibits a charter school from providing its own transportation, nor compels a sending district to pay for the charter school's transportation service if such is provided. Vehicles must comply with requirements for transporting public and special needs students.

M.G.L. Chapter 71. Section 89.

Section 89. A charter school shall be a public school, operated under a charter granted by the secretary of education, which operates independently of any school committee and is managed by a board of trustees. The board of trustees of a charter school, upon receiving a charter from the secretary of education, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

The purposes for establishing charter schools are: (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs and; (6) to hold teachers and school administrators accountable for students' educational outcomes.

Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to, a business or corporate entity, two or more certified teachers or ten or more parents. Said application may be filed in conjunction with a college, university, museum or other similar entity. Private and parochial schools are not eligible for charter school status.

The secretary of education shall establish the information needed in an application for the approval of a charter school; provided, however, that said application shall include the method for admission to a charter school. There shall be no application fee for admission to a charter school.

Applications to establish a charter school shall be submitted each year by February fifteenth. The secretary of education shall review the applications no later than March fifteenth.

The secretary of education shall make the final determination on granting charter school status and may condition charters on the charter school's taking certain actions or maintaining certain conditions. No more than twenty-five charter schools shall be allowed to operate in the commonwealth at any time. Of these, no more than five shall be located in the city of Boston; no more than five shall be located in the city of Springfield; and no more than two shall be located in any other city or town. Under no circumstances shall the total number of students attending charter schools in the commonwealth be allowed to be greater than three quarters of one percent of the total number of students attending public schools in the commonwealth.

A charter school established under a charter granted by the secretary shall be a body politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the following:

(a) to adopt a name and corporate seal; provided, however, that any name selected must include the words "charter school";

(b) to sue and be sued, but only to the same extent and upon the same conditions that a town can be sued.

(c) to acquire real property, from public or private sources, by lease, lease with an option to purchase, or by gift, for use as a school facility;

(d) to receive and disburse funds for school purposes;

(e) to make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the board intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the secretary, either as part of the original charter or by way of an amendment thereto; and provided, further, that the secretary shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools.

(f) to incur temporary debt in anticipation of receipt of funds;

(g) to solicit and accept any grants or gifts for school purposes;

(h) to have such other powers available to a business corporation formed under chapter one hundred and fifty-six B that are not inconsistent with this chapter.

Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language, and academic achievement. Charter schools may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts.

A charter school may establish reasonable academic standards as a condition for eligibility for applicants. Preference for enrollment in a charter school shall be given to students who reside in the city or town in which the charter school is located. If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located, or are siblings of students already attending said charter school is greater than the number of spaces available, then an admissions lottery shall be held to fill all of the spaces in that school from among said students. If there are more spaces available than eligible applicants from the city or town in which said charter school is located and who are siblings of current students, and more other eligible applicants than spaces left available, then a lottery shall be held to determine which of said applicants shall be admitted. There shall be no tuition charge for students attending charter schools.

A student may withdraw from a charter school at any time and enroll in a public school where said student resides. A student may be expelled from a charter school based on criteria determined by the board of trustees,and approved by the secretary of education, with the advice of the principal and teachers.

A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location. A charter school may own, lease, or rent its space.

A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that the provisions of sections forty-one and forty-two shall not apply to employees of charter schools. Charter schools shall comply with the provisions of chapters seventy-one A and seventy-one B; provided, however, that the fiscal responsibility of any special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides.

Students in charter schools are required to meet the same performance standards, testing and portfolio

requirements set by the board of education for students in other public schools. The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget.

Employees of charter schools shall be considered public employees for purposes of tort liability under chapter two hundred and fifty-eight and for collective bargaining purposes under chapter one hundred and fifty E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter two hundred and fifty-eight and for collective bargaining purposes under chapter one hundred and fifty E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter thirty-two and service in a charter school shall be "creditable service" within the meaning thereof.

Each local school district shall be required to grant a leave of absence to any teacher in the public schools system requesting such leave in order to teach in charter schools. A teacher may request a leave of absence for up to two years.

At the end of the two year period, the teacher may make a request to the superintendent that such leave be extended for an additional two years, and approval for said request shall not be unreasonably withheld or he may return to his former teaching position. At the end of the fourth year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the charter school, resign from his school district position.

Notwithstanding section fifty-nine C of this chapter, the internal form of governance of a charter school shall be determined by the school's charter.

A charter school shall comply with all applicable state and federal health and safety laws and regulations.

The children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools. Student who do not reside in the district in which the charter school is located shall be eligible for a transportation in accordance with section twelve B of chapter seventy-six.

Each charter school shall submit to the secretary, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August first of each year for the preceding school year. The annual report shall be in such form as may be prescribed by the secretary of education and shall include at least the following components:

(a) discussion of progress made toward the achievement of the goals set forth in the charter;

(b) a financial statement setting forth by appropriate categories, the revenue and expenditures for the year just ended;

Individuals or groups may complain to a charter school's board of trustees concerning any claimed violation of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the secretary of education who shall investigate such complaint and make a formal response.

A charter granted by the secretary of education shall be for five years. The secretary of education may revoke a school's charter if the school has not fulfilled any conditions imposed by the secretary of education in connection with the grant of the charter or the school has violated any provision of its charter. The secretary may place the

charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

The secretary shall develop procedures and guidelines for revocation and renewal of a school's charter.

Notwithstanding the foregoing, no school building assistance funds, so called, shall be awarded to a charter school for the purpose of constructing, reconstructing or improving said school.

Charter schools shall be funded as follows: If a student attending a charter school resides in a community with a positive foundation gap, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the average cost per student in said district. If a student attending a charter school resides in a community that does not have a positive foundation gap pursuant to chapter seventy, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the lesser of: (i) the average cost per student in said district; and (2) the average cost per student in the district in which the charter school is located.

601 CMR 1.00: PROCEDURES FOR THE ESTABLISHMENT OF CHARTER SCHOOLS

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1.01: Scope, Purpose and Authority

(1) Application. 601 CMR 1.00 shall apply to the Executive Office of Education, charter schools, including boards of trustees, administrators and personnel, public school districts with students attending charter schools, charter school students and their parents or guardians.

(2) Purpose. The purpose of 601 CMR 1.00 is to provide uniform rules and procedures governing the establishment of charter schools.

(3) Authority. 601 CMR 1.00 is promulgated under the authority of M.G.L. c. 15A, § 3, M.G.L. c. 71, M.G.L. c. 76, § 12B, and any successor provisions thereto.

1.02: Definitions

As used in 601 CMR, unless the context clearly requires otherwise, terms shall have the meanings ascribed below:

Administrator. Any individual duly authorized by a charter school's board of trustees to manage the programs and operations of the charter school in accordance with its charter and federal and State laws and regulations.

Application Cycle. The one year period ending February 15 during which charter school applications are received by the Secretary of Education for review by March 15.

Board of Trustees. Public agents authorized by the state to supervise and control the charter school. The Boards of Trustees shall be considered public employers for purposes of tort liability under M.G.L. c. 258, and for collective bargaining purposes under M.G.L. c. 150E.

Charter. A grant issued by the Secretary of Education per the provisions of M.G.L. c. 71, § 89 and 601 CMR 1.00 allowing the grantee to operate a charter school for a period of five years.

Charter Applicant. An applicant shall include but is not limited to: individuals; groups; business or corporate entities; two or more certified teachers; or ten or more parents qualified under M.G.L c. 71, § 89 to apply for a charter. An application for a charter school may be filed in conjunction with a college, university, museum, or other similar entity, or any combination thereof.

Charter School. A public school operated under a charter granted by the Secretary of Education which operates independently of any school committee and is managed by a board of trustees.

Secretary. The Secretary of Education or a person duly authorized by the Secretary.

Sending District. A Massachusetts city, town, or regional school district in which a charter school student resides and where the student would otherwise attend a public school.

1.03: General Provisions

(1) Administrative Bulletins. The Secretary may, from time to time, issue administrative bulletins to interpret, implement, and provide guidance on 601 CMR 1.00.

(2) Waivers. Upon written request from a charter applicant or charter school board of trustees, the Secretary may waive the applicability of one or more provisions of 601 CMR 1.00, provided that all such requests and approvals:

- (a) are in writing, signed by the waiver applicant;
- (b) specify the provisions of 601 CMR 1.00 to be waived, the duration of the waiver, and the circumstances to which the waiver applies;
- (c) include a certification that the waiver applicant has made a good faith effort to comply with said provisions; and
- (d) are accompanied by supporting documentation considered sufficient by the Secretary to support the special circumstances or the need for relief.

Waivers of 601 CMR 1.00 will be considered only under circumstances the Secretary deems exceptional and shall be granted only to the extent allowed by law.

(3) Prohibitions. Private and parochial schools are not eligible for charter school status. Charter schools may not charge an application fee, nor may charter schools charge tuition except to sending districts as specified in M.G.L. c. 71, § 89 and 601 CMR 1.06.

1.04: Charter Application and Charter Granting Procedures

(1) Charter Application Process. There shall be a two-stage application process leading to the granting of a charter. In order to receive feedback from the review team and to be scheduled for a formal interview with the Secretary's office, applicants shall submit to the Secretary a preliminary application no later than the third Monday of November. Final applications must be submitted to the Secretary by February 15, on any application forms and under any guidelines the Secretary may establish.

(2) Review Process. The Secretary shall review all preliminary applications submitted to her office in order to provide thorough feedback to applicants by January 15. In addition, the Secretary shall conduct interviews with all preliminary applicants, who so desire, in order to better assess their qualifications to start a charter school. The Secretary will review all final applications by March 15 and will notify applicants promptly of the final decisions. Applications will be reviewed according to criteria outlined in 601 CMR 1.05.

(3) Charter Granting. Charters will be granted to approved charter applicants under such conditions and at such time as the Secretary specifies under 601 CMR 1.05(2). A charter granted by the Secretary shall be effective for five years, unless revoked pursuant to M.G.L. c. 71, § 89, and 601 CMR 1.11.

1.05: Criteria for Assessment and Approval of Charter Applications, Awarding of Charters

(1) Criteria for Assessment and Approval of Charter Applications. Charter applications will be reviewed to ensure that the applicant has demonstrated an ability to meet the following criteria:

(a) furtherance of the purposes for establishment of charter schools, which are:

1. to stimulate the development of innovative programs within public education;

2. to provide opportunities for innovative learning and assessments;

3. to provide parents and students with greater options in choosing schools within and outside their school districts;

4. to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management;

5. to encourage performance-based educational programs; and

6. to hold teachers and school administrators accountable for students' educational outcomes.

(b) conformance with M.G.L. c. 71, § 89 and all other applicable laws and regulations including any guidelines the Secretary may issue;

(c) assurance that the charter school will meet its enrollment requirements through demonstration of need and support for the proposed charter school in the community in which it would be located and in other communities from which students would be likely to apply;

(d) demonstration that the applicant will be able to provide educational models, including programs, curriculum, and teaching methods that can be replicated by other public schools.

(e) development of a management structure and plan which enables the charter school to achieve the goals and mission set forth in its charter, including the selection, role, and responsibilities of the board of trustees;

(f) assurance that students will meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools;

(g) development of an assessment plan to measure progress toward the goals set forth in its charter;

(h) ability of the charter school to administer its educational programs, school operations, and finances effectively;

(i) establishment of a process to provide to students, parents, the Secretary, other interested parties, and the public all information required by law and regulation, as well as to provide other information the Secretary may request;

(j) development of an admissions policy which takes into consideration the following factors:

1. standards used as part of the admissions process - including but not limited to testing, interviews and recommendations - shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language, or academic achievement;

2. methods for admission should be used to foster the stated goals of the charter school program and assure the ultimate success of the student, and should not be designed, intended or used to discriminate;

3. admission criteria will be reviewed for any discriminatory impact the criteria may have on applicants to a charter school, notwithstanding any good faith efforts involved in establishing the criteria:

4. in conformance with M.G.L. c. 71, § 89, in such cases where there are more eligible applicants than available spaces, the charter school shall hold an admissions lottery for applicants who reside in the city or town in which the charter school is located, or for siblings of students already attending said charter school; and

5. if there are more spaces available than eligible applicants from the city or town in which said charter school is located and who are siblings of current students, and there are more eligible applicants than spaces available, the charter school shall hold an admissions lottery.

(k) development of a plan which demonstrates the ability to accomplish the following:

1. recruitment and retention of students;

2. recruitment of qualified teaching and managerial staff: and

3. fiscal and operational viability for the five-year term of the charter.

(l) thoroughness and accuracy of the charter school application.

(2) Conditions for Awarding of Charters to Approved Applicants. Charters shall be awarded subject to the following conditions, however, the Secretary may specify additional conditions for award of charter grants as set forth in 601 CMR 1.04(2):

(a) the charter applicant shall provide the Secretary with the names and addresses of its board of trustees, a plan, for the administration and management of the school, including the organization structure and by-laws;
(b) in such cases where the charter school board intends to procure substantially all educational services under contract with another person, the board shall provide for the Secretary's approval the terms of said contract;
(c) the charter applicant shall submit to the Secretary for approval a copy of the school's code of conduct outlining the criteria and procedure for expulsion of students;
(d) the charter applicant shall provide the Secretary with written documentation that the building in which the charter school is located is approved for use as a school by the building inspector in the municipality in which the charter school is located;
(e) the charter applicant shall provide the Secretary with written documentation that the premises occupied by the charter school has been inspected by the Fire Department of the municipality in which the charter school is located;
(f) if explosives or flammable compounds or liquids are used in connection with courses taught at the school, the charter applicant shall provide the Secretary with written documentation that approval under M.G.L. c. 148 has been secured from the licensing authority of the municipality in which the school is located; and
(g) the charter applicant shall provide the Secretary with written documentation that the school is in compliance with all other applicable federal and state health and safety laws and regulations, including evidence of compliance with any required insurance coverage.

1.06: Charter School Funding.

The following funding mechanism shall apply to the charter school and to the sending district:

(1) Any operating charter school shall be entitled to receive an average per pupil tuition payment from a sending district(s) in accordance with M.G.L. c. 71, § 89.

(2) The average per pupil tuition amounts shall be determined by the Department of Education in accordance with the most recent Department data for each school district and, any guidelines, set forth by the Secretary.

(3) The Secretary shall notify both the charter school and the sending district(s) of the tuition amount to be transferred and it shall be based on the charter school's pre-enrollment report filed with the Secretary pursuant to 601 CMR 1.07(2). One half of the tuition amount to be transferred by the school district to the charter school shall occur within forty-five days of the start of the school district's fiscal year. The second transfer shall occur by January 15, and shall reflect changes in the charter school's actual student enrollment.

1.07: Ongoing Review of Charter Schools

(1) Annual Report. A charter school shall submit to the Secretary, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school, an annual report. The annual report shall be issued no later than August first of each year for the preceding school year. The annual report shall include the following information:

(a) a financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended, and a balance sheet setting forth the charter school's assets, liabilities, and fund balances or equities:
(b) projections of income and expenses for the upcoming school year;
(c) discussion of progress made toward achievement of the goals of the charter; and
(d) such other information as the Secretary may require in guidelines.

(2) Pre-Enrollment Report: Each charter school shall conclude its admissions process no later than April 15 of each year, and shall file annually with the Secretary a pre-enrollment report no later than May 1. Said report will provide

data on charter school enrollment figures for the subsequent academic year, student residence, and other student and school demographic data as specified. The report shall be filed on a form provided by the Secretary.

(3) Additional Reports. The charter school shall be responsible for filing any data reports or school returns as required under public school law and regulations. The schedule and form of the reports shall be set forth in guidelines. Such reports shall be available to the Secretary and to the public.

(4) Material Changes. The Secretary shall be notified in writing immediately of any modifications or circumstances which may have a significant impact on the charter school's ability to carry out its goals or mission as stated in its charter. The Secretary may review material changes for compliance with provisions of the school's charter and for a determination as to whether the charter requires amendment under 601 CMR 1.09.

(5) Code of Conduct. The charter school shall submit to the Secretary for approval copies of any changes in the code of conduct outlining criteria and procedure for expulsion of students.

(6) Additional Information. At the discretion of the Secretary, charter schools may be required to submit additional information other than that specifically required by 601 CMR 1.00. This information may include an audit of the charter school's financial records.

(7) Signatory Authorization. Any information supplied to the Secretary by the charter school under 601 CMR 1.07 must be signed by an individual given signatory authorization by the charter school board of trustees. All such information is submitted under penalty of perjury.

1.08: Complaint Procedure

(1) A parent, guardian or other individuals or groups who believe that a charter school has violated or is violating any provision of M.G.L. c. 71, § 89 or 601 CMR 1.00 may file a complaint with the charter school's board of trustees.

(2) The board of trustees shall respond no later than thirty days from receipt of the complaint in writing to the complaining party.

(3) The board of trustees shall, pursuant to a complaint received under 601 CMR 1.08, or on its own initiative, conduct reviews to ensure compliance with M.G.L. c. 71, § 89 and 601 CMR 1.00. The charter school and the specific individuals involved shall cooperate to the fullest extent with such review.

(4) To the extent the complaining party believes the complaint has not been adequately addressed by the charter school board of trustees, the complaining party may submit the complaint in writing to the Secretary who shall investigate such complaint and make a formal response.

(5) In the event the charter school is found in non-compliance with M.G.L. c. 71, § 89 or 601 CMR 1.00, as a result of a complaint or upon investigation, the Secretary may take such action as the Secretary deems appropriate, including, but not limited to revocation of the charter under 601 CMR 1.11, or referral of the matter to the District Attorney or the Office of the Attorney General for appropriate legal action.

1.09: Amendments to Charters

A charter school may submit to the Secretary at any time a request for amendments to its charter, which shall be granted at the Secretary's discretion. The Secretary shall within 30 days review any requests and notify the school in writing of the decision to grant or deny said amendments and the reasons therefor.

1.10: Renewal of Charters

The following procedures shall be followed by a charter school seeking renewal of its charter:

(1) Application for renewal of a charter to operate a charter school under 601 CMR 1.00 shall be made no later than August 1 after the end of fourth school year. The Secretary shall notify the charter applicant of the decision to renew or not to renew the charter no later than the following December 1.

(2) The charter school may apply for renewal of its charter under renewal application guidelines established by the Secretary.

(3) All charter school renewals will be subject to an evaluation process which will be set forth in guidelines established by the Secretary. All charter schools will be evaluated on the same performance criteria as provided in the guidelines, provided, however, that the criteria will take into account each school's own statement of purposes and objectives, assuming this statement complies with applicable provisions of M.G.L. c. 71 or with any other applicable law or regulation.

(4) Before charter renewal, the charter school shall submit written documentation that the school remains in compliance with all building, health, safety and insurance requirements established as conditions for charter granting in 601 CMR 1.05(2) and that all related inspections and approvals are current.

(5) The Secretary will review renewal applications pursuant to the criteria set forth in 601 CMR 1.05 and M.G.L. c.71, §89 and notify applicants by December 1 of the fifth year of operation of the approval or denial of the renewal application and the reasons therefor. In the event the renewal is denied, the charter school shall have all rights of review as provided in M.G.L. c. 30A and 801 CMR 1.00.

(6) Charters which are renewed shall be for five years from the expiration of the previous charter under such conditions as the Secretary may establish under 601 CMR 1.05(2). Charters of schools which do not file renewal applications shall expire at the end of the fifth year of the charter grant.

1.11: Charter Revocation and Probation.

(1) The Secretary may revoke a charter issued under 601 CMR 1.05(2) for cause, including but not limited to:
  (a) a material misrepresentation in the application for approval of the charter;
  (b) failure to comply with the terms of the charter, with any of the applicable provisions of M.G.L. c.71, or with any other applicable law or regulation;
  (c) financial insolvency;
  (d) misappropriation, conversion, mismanagement, or illegal withholding of funds or refusal to pay any funds that belong to any person otherwise entitled thereto and that haye been entrusted to the charter school or its administrators in their fiduciary capacities;
  (e) fraud or gross mismanagement on the part of charter school administrators or board of trustees;
  (f) criminal convictions on the part of the charter school or its board of trustees; or
  (g) failure to fulfill any conditions imposed by the Secretary in connection with the grant of a charter.

(2) Before the revocation of a charter by the Secretary, the charter school shall be given written notice that the Secretary intends to revoke a charter. The notice shall be given sixty days before the revocation takes effect.

(3) Upon receiving a notice of intent to revoke a charter, or notice of an emergency revocation where the health, safety or education of the school's students is at immediate risk, the school shall have all rights of review as provided in M.G.L. c. 30A, § 13, and 801 CMR 1.00. All requests for hearings, where hearings are provided by said statutes, shall be in writing, addressed to the Secretary, and must be received within fifteen days of receipt by the charter school of the notice to revoke a charter.

(4) The Secretary may place a charter school on probation rather than revoke a charter in order to allow the

implementation of a remedial plan approved by the Secretary. If said plan is unsuccessful in remediating the problem or alleviating the causes of the probation, the charter may be summarily revoked.

1.12: Severability Clause

If any section or portion of a section of 601 CMR 1.00, or the applicability of 601 CMR 1.00 to any person, entity or circumstance is held invalid by a court, the remainder of 601 CMR 1.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

M.G.L. c. 15A, § 3; M.G.L. c. 71; M.G.L. c. 76, § 12B.

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